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10 US DISTRICT COURT

11 CENTRAL DISTRICT OF CALIFORNIA

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14 LIBERI ET AL

CASE NO.: 8:11-CV-485-AG

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16 PLAINTIFF,

DEFENDANTS' DEFEND OUR

17 VS.

FREEDOMS FOUNDATION, ORLY

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19 TAITZ, ET AL

TAITZ INC AND APPEALING

20 DEFENDANT

DENTISTRY

21
22 OPPOSITION TO PRO HAC VICE

23 OF ATTORNEY PHILIP BERG

24 Hon Andrew Guilford

25
26 presiding

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2 TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:

3 PLEASE TAKE NOTICE that pursuant to federal rules of Civil Procedure Rule
4
5 10(c,)Defendants Defend Our Freedoms Foundation and Orly Taitzare filing this
6 amended opposition to Pro Hac Vice

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8 **CERTIFICATION**

9 Attached memorandum of points and authorities does not exceed 10 pages and
10 does not require table of contents and table of authorities.

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12 /s/ Orly Taitz
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MEMORANDUM OF POINTS AND AUTHORITIES

Local rule 83-2.3.1 provides for admission of attorney to appear in a specific case pro hac vice.

Permission to Appear Pro Hac Vice. “any person who is not otherwise eligible for admission to practice before this court, but who is a member in good standing of, and eligible to practice before, the bar of any United states Court, or of the highest court of any states, Territory, or Insular Possession of the United States, **WHO IS OF GOOD MORAL CHARACTER**, and who has been retained to appear before this court, may, upon written application and proof of payment of the fees as required by the court, and **IN THE DISCRETION OF THE COURT**, be permitted to appear and participate pro hac vice in a particular case”.

Philip Berg is currently tried by the Disciplinary board of the Supreme Court of Pennsylvania. Exhibit 1

The facts of the case show Berg to possess the lowest moral character and pattern of moral turpitude.

According to the complaint by the disciplinary board (Exhibit 2) Berg lied to his own client for over a year, claiming that her case is active, while in reality the case was dismissed a year earlier due to his failure to file and opposition to motion to dismiss. When the client found out that she was defrauded by Berg and filed a complaint with the disciplinary board, Berg used a convicted document forger and

1 thief Lisa Liberi (Liberi's record of 10 felony convictions and theft in California is
2 in Exhibit 4) to de facto accuse his client of perjury. Exhibit 3 represents a sworn
3 verification by Liberi, executed under the penalty of perjury and the laws of
4 Pennsylvania, where Liberi claimed, that she worked in Berg's office, trying to
5 create an impression, that she was physically working in his office in PA and
6 managing client files. At a time Liberi was nowhere near Berg's Philadelphia
7 office. In 2007 she was on bail awaiting trial in California on 27 counts of forgery
8 and theft and from March 2008 she was on probation with the San Bernardino
9 county CA, not allowed to reside in PA. In this case Berg showed egregious
10 malice and moral turpitude, as he not only was derelict in his duties, failed his
11 client, lied to his client, he also defamed his client by accusing the client of perjury
12 and using a career criminal to slander the client.

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18 Berg used the same modus operandi of fraud on the court in other cases and in the
19 case at hand, where the same criminal, Lisa Liberi, is his lead plaintiff.

20 **BERG WAS REPEATEDLY SANCTIONED BY FEDERAL JUDGES**

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22 Finding that a Pennsylvania lawyer had committed a "laundry list of unethical
23 actions," a federal judge has imposed more than \$10,000 in sanctions and ordered
24 the lawyer to complete six hours of ethics training. U.S. District Judge J. Curtis
25 Joyner's 10-page opinion in *Holsworth v. Berg* is packed with criticism of the
26 conduct of attorney Philip Berg of Lafayette Hill, Pa. **"Other attorneys should**
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1 look to Mr. Berg's actions as a blueprint for what not to do when attempting
2 to effectively and honorably perform the duties of the legal profession,"

3 Joyner wrote."This court has grown weary of Mr. Berg's continuous and brazen
4 disrespect toward this court and his own clients. **Mr. Berg's actions ... are an**
5 **enormous waste of judicial time and resources that this court cannot, in good**
6 **conscience, allow to go unpunished,"** Joyner wrote.

9 In the suit, Berg is accused of legal malpractice by former clients who claim his
10 failure to respond to an ERISA claim against them led to a default judgment.

12 **But the sanctions against Berg stem from his decision to file a third-party**
13 **counterclaim of fraud against a pension fund that had sued his former clients,**
14 **according to court papers. Joyner blasted Berg for filing the fraud claim,**
15 **calling it an "irresponsible decision" because the claim was "utterly barren of**
16 **any scintilla of legal principles."** Carpenter Health's lawyers removed the case to
17 federal court and filed a motion to dismiss the claim. Joyner agreed, finding that
18 Berg's fraud claim was "frivolous" and was motivated by an intent "to harass
19 Carpenters Health and the Holsworths, as well as to delay and disrupt the
20 administration of justice." **The claim was fatally flawed, Joyner found, because**
21 **Berg had no standing to bring suit against Carpenters Health and had "failed**
22 **to conduct even a minimally reasonable inquiry before filing his complaint."**

27 Granting summary judgment in favor of Carpenters Health, Joyner said he found it
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1 "wholly unnecessary" even to consider the facts of the ERISA case because it was
2 "abundantly clear" that Carpenters Health was entitled to a judgment as a matter of
3 law. Joyner invited Carpenters Health to file a motion for Rule 11 sanctions. When
4 it did, Joyner found that Berg **"continued his trend of unprofessional conduct**
5 **by, once again, failing to file a timely response."** In a June 2 opinion, Joyner
6 **found that Berg had violated Rule 11 by "filing a complaint completely devoid**
7 **of any basis in fact or law, as would be apparent to any reasonable attorney**
8 **after the slightest inquiry."** Berg's fraud claim, Joyner said, was "inadequately
9 pled, not grounded in fact, time-barred, and utterly irrelevant to the pending
10 malpractice action against him." In his sanctions order, Joyner ordered Berg to
11 reimburse Carpenters Health the \$10,668 in attorney fees and costs it incurred in
12 defending the claim. He also ordered Berg to complete six credits of ethics courses
13 certified by the Pennsylvania Board of Continuing Legal Education, and
14 recommended that Berg be investigated by the Pennsylvania Bar Association's
15 Committee on Legal Ethics and Professional Responsibility. On June 16, Berg
16 filed a motion for reconsideration urging that the sanctions imposed on him should
17 be forgiven due to "extenuating circumstances," including health problems, a three-
18 week European business trip and financial difficulties. Joyner **flatly rejected the**
19 **motion, saying "in no way, shape or form do the 'extenuating circumstances'**
20 **proffered by Mr. Berg even begin to justify, excuse, or explain his**
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1 **unprofessional and unethical course of conduct throughout this matter. These**
2 **transparent excuses are not only patently insufficient to meet the legal**
3 **standard for a motion for reconsideration, they are insulting to this court and**
4 **demeaning to the legal profession."**

6 **This behavior showed poor moral character. Yet again Berg brought bogus**
7 **charges against innocent individuals with the only purpose of harassment and**
8 **to cover his prior malpractice.**

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12 In his 12.23.2010 opinion judge Robreno, presiding over this case, prior to it being
13 transferred to CA, has noted that there was no merit in accusations by Berg, Liberi
14 and Ostella and found all 3 of them to be evasive on the stand and not believable as
15 witnesses. In the case at hand Berg showed the same modus operandi. As Berg was
16 outed, as someone, who has been working with a convicted forger and thief Lisa
17 Liberi, Berg concocted a frivolous law suit, in order to cover up and create an
18 impression, that Liberi is a resident of PA, actually working in his office. When
19 Taitz demanded to see her PA drivers license for proof of diversity and Judge
20 Robreno demanded that Liberi file her identifying papers with court, Berg and
21 Liberi came up with a new story, claiming that Taitz tried to hire a hit man to kill
22 Liberi and that is the reason, why Liberi did not file a copy of her identifying
23 documents with court as judge Robreno noted.

1 Additionally, Berg and his co-plaintiff Ostella claimed that Taitz allowed Ostella
2 to forge signature of Taitz by cutting and pasting it from document to document .

3 When a person signs a document, his signature differs from document to
4 document. Unfortunately for Berg and Ostella, the signature, that they used to
5 paste, was one, that Taitz signed in a hurry and it looked somewhat different
6 from her usual signature. Taitz easily identified the signature in question. It was a
7 signature on document created in March of 2009. Exhibit 6. Ostella (possibly
8 with the help of Liberi) cut and pasted it on a document, that was created 2 months
9 earlier, in January of 2009. Berg was alerted that he is submitting to court clear
10 forgery, however he continues submitting this forged document. Exhibit 7.
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15 This is an example of low moral character and moral turpitude.

16 **BERG FILED FRIVOLOUS CASES WITH OUTRAGEOUS CHARGES**

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18 In October 2004, Berg filed Rodriguez v. Bush, 04-4952 USDC EDP accusing the
19 President of the United States and 155 other parties of complicity in the 9/11
20 attacks.
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23 This 237-page civil lawsuit included allegations pursuant to the RICO (Racketeer
24 Influenced and Corrupt Organizations Act) against The United States Of America,
25 the Federal Emergency Management Agency, the Department of Homeland
26 Security, George Herbert Walker Bush, George Walker Bush, Richard Cheney,
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1 Donald H. Rumsfeld, and numerous others, totaling 156 defendants in the U.S.
2 District Court for the Eastern District of Pennsylvania.

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4 He alleged that the defendants engaged in kidnapping, arson, murder, treason,
5 conspiracy, trafficking in narcotics, embezzlement, securities fraud, insider trading,
6 identity and credit card theft, blackmail, trafficking in humans, and the abduction
7 and sale of women . This case was dismissed.
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10 Similarly in case at hand Berg included multiple parties for the purpose of
11 harassment. For example, Berg included as a defendant, the wife of the talk show
12 host Ed Hale and the husband of the opposing attorney Taitz, even though neither
13 Hale's wife nor Taitz husband had anything to do in relation to the conflict in
14 question.
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18 The case against Taitz's husband was dismissed without prejudice with a
19 stipulation "Plaintiff may apply to the Court for leave of court to join Yosef Taitz
20 in his action upon satisfaction of all applicable joinder rules and leave of court.
21 Leave shall be granted only upon the court's finding that Plaintiffs have established
22 evidence sufficient to support a cognizable claim against Defendant Yosef Taitz
23 arising out of the allegations in the complaint filed May 4, 2009". Berg clearly
24 knew that there was an agreed stipulation, that he did not file a request for the
25 stipulated joinder, that Your Honor did not find that there is a cognizable claim
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1 against Taitz, yet with brazen disregard of the stipulated requirement, Berg filed a
2 supplemental brief, which contained some 200 pages of a proposed amended
3 complaint with over 600 pages of proposed exhibits, where Yosef Taitz was
4 included as an additional defendant. This was done with a clear attempt of using
5 the court for an improper purpose of harassment and pressure on his wife opposing
6 attorney Orly Taitz.
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10 Similarly, the same last second proposed supplemental pleading of over 800 pages
11 contained a dozen new causes of action and such new defendants as Oracle, Lexis
12 Nexis and Choice Point, giant corporations, which had nothing to do with this
13 dispute. It appears, that Berg yet again shows poor moral character in bringing
14 baseless allegations for the purpose of harassment, waste of time and money. As
15 judge Joyner in US District court of PA stated," an enormous waste of judicial time
16 and resources." What is even more of concern, is that Taitz currently has an active
17 case in Washington DC, where she brought forward crucial evidence, obtained
18 with the help of Lexis Nexis and Choice Point, where she shows that Barack
19 Obama is using for most of his life a Social Security number from the state of
20 Connecticut, that was never assigned to him. Taitz believes, that both Berg and his
21 local counsel Gary Krep are, what is called, a controlled opposition. While they
22 are claiming, that they on the same side as Taitz, in reality, for the last two and a
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1 half years they sabotaged her work and Berg, in particular, is on the mission to file
2 thousands of pages of slander and defamation of Taitz to create a collateral assault
3 on her and prevent her from working on exposing forgery in Mr. Obama's records.
4 Now Berg and Kleep are mounting an assault on two largest companies, providing
5 databases of information. It appears they are using this court with an improper
6 purpose of sabotaging another case, which show poor moral character.
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10 **AFFIDAVITS OF GEOFF STAPLES AND LINDA BELCHER SHOW**
11 **POOR MORAL CHARACTER OF BERG.**
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13 Exhibits 8 and 9 by Berg's former employees and associates Geoff Staples and
14 Linda Belcher show poor moral character of Berg in his financial dealings and in
15 allowing Lisa Liberi, a convicted thief on probation, to handle credit card
16 transactions of donors and setting a pay-pal account for his girlfriend on the web
17 site, which was described to the donors and contributors as a web site dedicated to
18 donations for litigation.
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22 **SUMMARY**
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24 **Philip Berg is not in good standing with the Pennsylvania bar as he is**
25 **currently being tried by the disciplinary board of the Supreme Court of**
26 **Pennsylvania on very serious charges. He does not possess a good moral**
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1 character necessary for pro hac vice, therefore the defendant defendants pray,
2 that the court will use its discretion to deny Berg pro hac vice.
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4 Respectfully submitted,

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6 Dr. Orly Taitz, ESQ

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8 06.09.2011
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17 **FEDERAL COURT PROOF OF SERVICE**

18 I certify under penalty of perjury and under the laws of CA that I served all the
19 parties in this case via ECF and/or e-mail on 06.10.2011
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21 /s/ Orly Taitz

22 29839 Santa Margarita

23 Rancho Santa Margarita, CA 92688
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19 **AFFIDAVIT OF ORLY TAITZ**

20 I, Orly Taitz, am over 18 years old, do not suffer from any mental impairment
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22 have personal knowledge of the information listed below and if required, can
23 competently testify to the following:
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25 1. Record of Disciplinary Board of the Supreme Court of Pennsylvania current
26 public trial of Philip Berg is a true and correct copy of such record, available on
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1 line on the official website for the Disciplinary Board of the Supreme Court of
2 Pennsylvania at www.padisciplinaryboard.org .

3 2. Complaint by the Disciplinary Board and affidavit of Lisa Liberi are a true and
4 correct copy of the complaint and answer to the complaint, which was e-mailed to
5 me by the secretary of the Disciplinary Board of the Supreme Court of
6 Pennsylvania Marcy Sloan.
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9 3. Record of 27 charges and 10 felony convictions of forgery and theft of plaintiff
10 Lisa Liberi, assistant for Philip Berg, is a true and correct copy of such record
11 available on the web site of the Supreme court of California, San Bernardino
12 County.
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15 4. Exhibit 6 is a true and correct copy of a quo warranto request, which I
16 personally signed and which was mailed to the Attorney General on 03.15.2009.

17 Exhibit 7 is a forgery, where Plaintiffs forged my signature by cutting and pasting
18 it from the document in Exhibit 6, which was signed by me.
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20 5. While the Plaintiffs in this case claim, that I allowed them to forge my signature
21 by cutting and pasting, I never allowed anyone to forge my signature and
22 comparison of documents shows, that the signature sample they used, was created
23 two months after the document in Exhibit 7 was created.
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26 6. Exhibit 8 is a true and correct copy of the affidavit of Linda Belcher received by
27 me personally.
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1 7. Exhibit 9 is a true and correct copy of the letter by Geoff Staples receive by me
2 personally.

3 I, Orly Taitz, attest to this under the penalty of perjury
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6 /s/ Orly Taitz
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8 06.09.2011
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